

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1142**

Introduced by Johnson, 37.

Read first time January 23, 2008

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to child support; to provide for postsecondary
- 2 education subsidy orders; and to provide a duty for the
- 3 Revisor of Statutes.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The court may order a postsecondary  
2 education subsidy for a child if good cause is shown. In  
3 determining whether good cause exists for ordering a postsecondary  
4 education subsidy, the court shall consider the age of the child,  
5 the academic ability of the child relative to postsecondary  
6 education, the child's financial resources, and the financial  
7 condition of each parent. If the court determines that good cause  
8 is shown for ordering a postsecondary education subsidy, the court  
9 shall determine the amount of subsidy as follows:

10           (a) The court shall determine the cost of postsecondary  
11 education based upon the residential rate cost of attending an  
12 in-state public institution for a course of instruction leading to  
13 an undergraduate degree and shall include the reasonable costs for  
14 only necessary postsecondary educational expenses;

15           (b) The court shall then determine the amount, if  
16 any, which the child may reasonably be expected to contribute,  
17 considering the child's financial resources, including, but not  
18 limited to, the availability of financial aid whether in the form  
19 of scholarships, grants, or student loans, and the ability of the  
20 child to earn income while attending school; and

21           (c) The child's expected contribution shall be deducted  
22 from the cost of postsecondary education and the court shall  
23 apportion responsibility for the remaining cost of postsecondary  
24 education to each parent. The amount paid by each parent shall not  
25 exceed fifty percent of the total cost of postsecondary education

1 but may vary as to each parent.

2 (2) A postsecondary education subsidy shall be payable to  
3 the child, to the educational institution, or to both, but shall  
4 not be payable to the custodial parent.

5 (3) A postsecondary education subsidy shall not be  
6 awarded if the child has repudiated the parent by publicly  
7 disowning the parent, refusing to acknowledge the parent, or  
8 by acting in a similar manner.

9 (4) The child shall forward reports of grades awarded  
10 at the completion of each academic session to each parent within  
11 ten days after receipt of the reports. Unless otherwise specified  
12 by the parties, a postsecondary education subsidy awarded by the  
13 court shall be terminated upon the child's completion of the  
14 first calendar year of course instruction if the child fails to  
15 maintain a minimum cumulative grade point average to continue in  
16 the educational institution as determined by the institution.

17 (5) Orders made pursuant to this section shall mention  
18 only those factors relevant to the particular case for which the  
19 orders are made but, at a minimum, shall contain the names, birth  
20 dates, addresses, and counties of residence of the petitioner and  
21 respondent.

22 (6) For purposes of this section, postsecondary education  
23 subsidy means an amount which either of the parties may be required  
24 to pay under a temporary order or final judgment or decree for  
25 educational expenses of a child who is between the ages of nineteen

1 and twenty-three years if the child is regularly attending a  
2 course of vocational-technical training either as a part of a  
3 regular school program or under special arrangements adapted to  
4 the individual person's needs; is, in good faith, a full-time  
5 student in a college, university, or community college; or has  
6 been accepted for admission to a college, university, or community  
7 college and the next regular term has not yet begun.

8           Sec. 2. The Revisor of Statutes shall assign section 1 of  
9 this act to Chapter 42, article 3.